

# Senator Jeanne Kohl-Welles

## 2004 Legislative Update



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**Now that the 2004 legislative session has ended, my district office is open to help constituents with issues and questions. Please feel free to call — (206) 281-6854 — or make an appointment to see me. It's located at 157 Roy St. on lower Queen Anne in the Uptown Neighborhood Center.**

*Dear Constituents,*

*We wrapped up our 60-day legislative session in Olympia in March. The biannual short sessions really fly by. This year's was especially challenging in keeping critical issues, such as education and health care, from being lost in the shuffle as we were faced with the task of writing a supplemental state budget and coming up with a replacement primary election system.*

*As ranking Democrat on the Senate Higher Education Committee, I pushed this session for improvements to our state's public higher education system, and important changes in K-12 education that I believe are crucial to helping our state's students meet ever-tougher academic standards.*

*I also supported measures that should help to keep our state on the path to economic recovery, including extending a tax break to encourage research and development firms to stay here and others to bring their business to our state while holding them accountable. Tax breaks can serve a vital role in keeping and bringing jobs to our state; however, without accountability, they are little more than loopholes at taxpayers' expense. I supported a House bill requiring audits of tax breaks, which passed the House but not the Senate. I believe we've given far too many breaks without determining that they do indeed produce the promised jobs.*

*I also sponsored legislation that would permit responsible stem cell research in our state, while prohibiting human cloning. This would attract private capital and put Washington in the forefront of this kind of research. Unfortunately, it was not brought up for a vote in the Senate.*

*This year, I focused on several pieces of legislation designed to improve the health, safety and well-being of our state's citizens. Issues that were unheard of 10 years ago, such as cyberstalking, now pose a real safety issue. I'm pleased to have sponsored legislation outlawing this relatively new phenomenon of online stalking. I also fought for improved nutrition and physical education programs in our schools, and tougher laws protecting students from sexual misconduct by school employees.*

*During these continued tough economic times, writing a sensible, fair budget that provides real opportunities for Washington families, workers and businesses is always a challenge. Inside you will find more information about this year's supplemental budget, which included both real victories and disappointments.*

*As always, I welcomed the valuable feedback I received during session about the issues and concerns most important to the residents of the 36th District. I encourage you to continue writing, calling and e-mailing me throughout the year. It is an honor to serve a district that is so involved in making our community—and our state—a better place.*

*Sincerely,*

Jeanne Kohl-Welles

Please join Reps. Helen Sommers and Mary Lou Dickerson and me at a **town hall meeting from 10 a.m. to noon Saturday, May 15, at the Northwest Senior Center, 5429 32nd Ave. NW in Ballard.**

We will discuss the 2004 legislative session and take questions from participants.

For more information, please call my legislative assistant, Ken Camp, at (360) 786-7670 or leave a message at (206) 281-6854 and he will call you.

## State Budget Must Offer More for Education, Health Care

This year's supplemental state operating budget offered some bright spots, but in the end, it also left much—too much—to be desired. It was very difficult coming up with a compromise budget between a Democratic House of Representatives and a Republican Senate. I give Rep. Helen Sommers, House Appropriations Committee chair and state representative in our district, a great deal of credit for negotiating a much better budget than what the Senate had originally passed.

The budget rolls back some, but not all, of the premiums the Legislature imposed last year on Medicaid recipients. These premiums could have resulted in as many as 20,000 children from low-income families losing health coverage. This would be devastating to families who can ill afford premiums. Studies show that children without medical coverage are more likely to end up in the emergency room for treatment, and are more likely to miss school. I would have preferred that these premiums had been eliminated entirely, but am pleased they have been rolled back for the poorest families.

The budget invests more than \$16 million in health benefits for state and school employees, but once again does not provide cost-of-living increases, nor does it include additional money to help students struggling to achieve in reading and math.

On a positive note, the budget invests \$17 million in new enrollments in our state's public colleges and universities. This money will pay for an additional 2,050 students in general enrollments and 850 students in high-demand fields such as health care and computer science. This is a good start, but we will need to do much more to address the enrollment crunch our state faces: up to 45,000 additional students beyond those for whom we currently budget over the next six years.

I applaud the governor's veto of a budget provision that would have allowed private universities and colleges to compete with state schools for high-demand enrollments. While I recognize and appreciate the essential contributions our state's private institutions make to higher education, I believe we must address over-enrollment in our public institutions before considering publicly funding private school enrollment.

Meanwhile, I'm pleased that this year's supplemental capital budget earmarks money for several key University of Washington and Seattle Community College District projects, including \$4 million for much-needed classroom improvements. However, it is disappointing that the budget did not include funding for McCaw Hall, our beautiful new facility at the Seattle Center that replaced the Opera House.

## Improving Diversity in Our Higher Education System

I sponsored legislation that would have allowed Washington's public colleges and universities the flexibility to admit high-quality, diverse student bodies. Voter approval of Initiative 200 in 1998 banned the use of race as a factor in college admissions.

My bill would have aligned our state law with a recent U.S. Supreme Court decision that found considering race, color, ethnicity or national origin as one factor in admissions decisions is constitutional if the consideration is intended to promote diversity and if it does not include preferential treatment, set-asides or numerical quotas.

I understand that the University of Washington, in particular, is stymied by its inability under current state law to consider such factors. It is unfortunate that our state's wonderful higher education system may not always be competitive in attracting the very top minority high school graduates because our state is perceived as unfriendly to diversity.

The bill failed to clear the Senate, but I will continue to promote the use of flexibility in admissions. In our increasingly global environment, everyone benefits from a diverse student body that encompasses various views and ideas.

## Finding a New Primary

Last year, the 9th U.S. Circuit Court of Appeals struck down Washington's popular blanket primary system. Legislators faced the daunting task this session of finding a replacement election system. My main concern was finding a replacement that maintained voter choice and avoided future legal uncertainty.

I co-sponsored a bill that would have created a system in which separate ballots are prepared for each major political party in all partisan primary elections. In the end, despite my objections and those of others, the Legislature approved a top-two system that advances the top two vote-getters in the primary—regardless of party—to the general election ballot. Fortunately, the governor vetoed this option in favor of a "Modified Montana" system, also in the bill as a "back-up," that maintains voter choice in the general election.





## Helping Our K-12 Students Succeed

We made real progress this session toward providing a safe, healthy, productive learning environment for students:

- I am especially gratified that the Legislature passed a package of bills I sponsored that will go a long way in protecting students from sexual misconduct or harassment at the hands of school employees. The bills close several loopholes in the state's reporting laws, and require state education officials to conduct timely and thorough investigations into allegations of misconduct.

Perhaps most important, the bills end the practice of sealing employee records related to sexual misconduct. This will stop predators from moving from school district to school district unbeknownst to administrators and parents. Having served as an expert witness on behalf of students who have been preyed upon by unscrupulous coaches or other school employees, I am optimistic that these measures will create a crucial safety net in our schools.

- In a time when childhood obesity rates are reaching epidemic proportions, I sponsored a bill that requires state officials to develop a model policy on nutrition and physical education in Washington schools. Local school districts also must develop their own policies, but the new law gives them complete discretion in shaping their policies within their communities. Local districts know what is best for their students; this new law simply requires them to mold this knowledge into a concrete, common-sense plan that best reflects their needs.
- This session, Washington became the 42nd state to enact a charter school law. The legislation allows for up to 45 new charter schools over the next six years.

This was a difficult vote for me, as I'd opposed charter school bills in the past, but in the end I voted to support the charter school measure this year. While I believe these schools must be held to the same academic standards as any other public school, I am optimistic they will offer another choice for Washington's students, particularly those students struggling in a traditional public school classroom.

However, I am troubled that the new law includes a process for the state to impose charter schools against the wishes of local school boards, and will work to amend the law next session to recognize full local control in this matter. I introduced an amendment to do that during the vote in the Senate, but unfortunately it was not adopted.

- I supported a measure approved by the Legislature this session that allows students to retake the Washington Assessment of Student Learning (WASL) up to four times. Students also will be allowed to prove their proficiency through an alternative assessment. This change to the state assessment program acknowledges that students learn and test differently, but they all deserve a fair chance to succeed.
- The Learning Assistance Program provides extra help to students who are behind their peers in math and reading. I'm pleased that the Legislature agreed to change the funding system for the program to direct more LAP dollars toward the school districts that most need them.
- Our state has not conducted a comprehensive study of our K-12 finance system since the 1970s. A lot has changed in the classroom in that time, and it is time for another look at whether we are using our state public education funding in the most efficient manner. By not passing a bill that would have authorized such a study, the Legislature missed an opportunity this session to take a fresh look at how we pay for public education. I also co-sponsored a bill to allow a simple majority for voter approval of levies, but it did not come up for a vote in the Senate.
- I introduced a bill to develop a seamless, integrated master plan for our state education system, from pre-kindergarten through university. It passed the Senate but did not clear the Legislature. I will continue pushing for a plan that recognizes learning as a lifelong process.

## Protecting Online Privacy

I was startled to learn that in Washington, someone's life could be turned upside down by harassing and threatening e-mail—and that it would be perfectly permissible under current state law. Along with seatmate Rep. Helen Sommers and at the request of a constituent who'd endured a cyberstalking nightmare for years, I sponsored legislation this session that establishes cyberstalking as a crime. The House version of the bill passed the Legislature unanimously.

This new law prohibits the use of e-mail or the Internet with the intent of harassing, intimidating, tormenting or embarrassing another person using lewd or lascivious language. I'm relieved the state now has a common-sense measure that gives the victims of this ordeal tangible recourse.

## How I Voted in 2004

- **Supplemental Operating Budget (HB 2459)—NO Pro:** The budget included some money for increased higher education enrollments and financial aid, the home health care workers contract, state and K-12 employees' health benefits, and civil legal services. **Cons:** It did not entirely roll back Medicaid premiums on children from low-income families, nor did it fund rate increases for labor and delivery providers, or for emergency service providers. It did not increase funding for the Learning Assistance Program. Only one of the more than 20 tax breaks in the budget included accountability language. (Signed into law.)
- **Supplemental Capital Budget (HB 2573)—YES** Includes \$121 million in bonds to fund higher education projects, including \$15 million for the University of Washington. (Signed into law.)
- **Supplemental Transportation Budget (HB 2474)—YES** Maintains the integrity of the 10-year project list and includes \$11 million in additional funding, including a program that will allow citizens to renew their driver licenses online or via mail. (Signed into law.)
- **Primary (SB 6453)—NO** Created a so-called "Top Two" system in which the top two candidates from the primary go on to the November ballot regardless of party. (Passed Legislature, was partially vetoed by the governor in favor of a "Modified Montana" system, which I did support.)
- **Patient Safety (SB 6210)—YES** Allows hospitals to share information gathered from their internal patient safety committees with other hospitals and medical groups so that institutions can learn from the mistakes and experience of their peers. (Signed into law.)
- **Medical Malpractice (SB 5728)—NO** Dealt with the incredibly complicated and important issue of tort reform by simply capping "pain and suffering" damages. (Keep in mind our state allows no "punitive" damages.) Medical malpractice premiums for physicians are escalating. We should take a more realistic, comprehensive approach to reform that includes mediation before a case can go to trial. (Passed Senate, died in the House.)
- **WASL (HB 2195)—YES** Allows students up to four retakes of the Washington Assessment of Student Learning, and provides for an alternative assessment to prove academic proficiency. (Signed into law.)
- **Learning Assistance Program (SB 5877)—YES** Reforms and strengthens the Learning Assistance Program and drives more dollars to the school districts that most need them. (Signed into law.)
- **Levy Equalization (SB 6211)—YES** Authorizes increased collection of voter-approved school levies. (Signed into law.)
- **Preventing and Managing Oil Spills (SB 6641)—YES** Requires standards for shore-to-vessel fuel transfers. (Signed into law.)
- **Expanded Authority for Regional Transportation Investment Districts (HB 2531)—NO** I opposed the legislation after an amendment failed that would have provided additional flexibility to the RTID board to make balanced transportation choices. (Passed Senate.)

If you wish to receive periodic e-mail newsletters, please go to my Web site: [www.leg.wa.gov/senate/members/senmem36.htm](http://www.leg.wa.gov/senate/members/senmem36.htm) and click on the link "Subscribe to Sen. Kohl-Welles' e-mail list pilot project here."

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